

### Remarks

Claims 1-36 are pending in the application. All claims stand rejected. By this paper, claims 1, 28, and 29 have been amended. Claims 3-27 and 30-36 have been canceled. New claims 37-60 have been included to provide claim coverage commensurate with the scope of the invention. No new matter has been added.

Claim 1 has been amended to recite a "portable communication device," rather than a remote control device, the portable communication device being independent of the interactive television system and allowing a third party to communicate with a user. Claim 2 has been amended to recite that the portable communication device comprises one of a pager, a telephone, and a portable stereo device. Support for these amendments may be found in pages 18 and 19 of the specification.

None of the cited references disclose or suggest using a portable communication device, such as a telephone, for notifying a user of an incoming e-mail message received by customer premises equipment (CPE). Far from being "independent of the interactive television system" as claimed, Goldstein and Croy are both remote control devices for an interactive television system. Furthermore, none of the devices described by the cited references would be considered "portable communication devices," let alone portable communication devices that "allow a third party to communicate with a user."

Likewise, none of the cited references disclose or suggest using a portable communication device of the type claimed to notify a user of an incoming instant message, as recited in claims 28 and 29. Neither Goldstein nor Croy disclose instant messaging. While Schindler mentions "chat room" conversations, Schindler

does not disclose or suggest displaying an indication of an incoming e-mail message on a portable communication device. What may be displayed on a television screen, as in Schindler, is completely inapposite to the claimed display of a notification on a personal communication device. Even if the claimed notification was displayed on a remote control device, which it is not, Schindler does not teach that chat room conversations may be conducted via a remote control device. Thus, even under the prior limitations, claims 28 and 29 were patentably distinct.

Independent claims 37 and 49 recite a telephone to receive an alert signal indicative of the received message. The cited references do not teach or suggest a telephone to receive an alert signal indicative of a message received by a customer premise equipment.

Independent claim 59 recites a portable stereo device to receive an alert signal indicative of the received message. The cited references do not teach or suggest a portable stereo device being used for such a purpose.

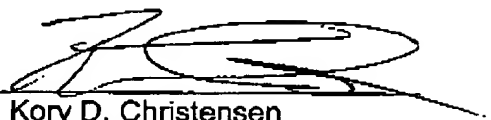
Independent claim 60 recites a pager to receive an alert signal indicative of the received message. The cited references do not teach or suggest a pager being used to display an indication of an incoming e-mail being received by customer premises equipment.

In view of the foregoing, all independent claims, as amended, are believed to be patentably distinct. All dependent claims are also believed to be patentably distinct by virtue of their dependency on one of the respective independent claims discussed above. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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